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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,114	03/11/2004	Patrick Newnam		5933

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PATRICK NEWNAM
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BOWLING GREEN, OH 43402

EXAMINER

BATSON, VICTOR D

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/798,114	Applicant(s) NEWNAM, PATRICK	
	Examiner Victor Batson	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claim Objections

Claims 8-15,20 are objected to because of the following informalities: In claim 8 line 17, "the desired shape" lacks proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17,19 are rejected under 35 U.S.C. 102(b) as being anticipated by Maher (5,603,172).

Maher discloses an earthworking tool 52 including a motive source (considered the vehicle including engine 102), a tool carrier assembly (considered the plow blade frame), a means for attaching the earthworking tool to the tool carrier assembly, and a means of pivotally attaching the tool carrier assembly to the motive source such that the tool (scraper blade 52) can pivot about a somewhat vertical axis (about pivot pin 62) and about a somewhat horizontal axis by way of a lift arm assembly which includes cylinder assembly 152. Given the structure of Maher, the claimed method steps would inherently performed while plowing with the plow blade disclosed by Maher.

Concerning claim 3, Maher discloses the use of depth guides (considered the skids not numbered but shown in figure 1).

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Claims 1-17,19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hotte (5,209,307).

Hotte discloses an earthworking tool 44 including a motive source (considered the vehicle), a tool carrier assembly (considered the plow blade frame), a means for attaching the earthworking tool to the tool carrier assembly, and a means of pivotally attaching the tool carrier assembly to the motive source such that the tool (scraper blade 44) can pivot about a somewhat vertical axis (figure 10) and about a somewhat horizontal axis by way of a lift arm assembly which includes cylinder assembly (figures 7 & 7a). Given the structure of Hotte, the claimed method steps would inherently performed while plowing with the plow blade disclosed by Hotte. Concerning the limitations regarding depth guides, Hotte discloses the use of depth guides (considered the swivel wheels shown in figure 12).

Claims 1,2,3,6,8-10,13 are rejected under 35 U.S.C. 102(b) as being anticipated by McCanse (4,124,080).

McCanse discloses an earthworking tool 32 including a motive source (considered the vehicle), a tool carrier assembly (considered the plow blade frame), a means for attaching the earthworking tool to the tool carrier assembly, and a means of pivotally attaching the tool carrier assembly to the motive source such that the tool (scraper blade 32) can pivot about a somewhat vertical axis (figure 3, 9) and about a somewhat horizontal axis by way of a lift arm assembly which includes cylinder assembly (figure 5). Given the structure of McCanse, the claimed method steps would

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inherently performed while plowing with the plow blade disclosed by McCanse. It is noted that member 18 is considered the depth guide.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by High (6,109,363).

High discloses an earthworking tool 100 including a motive source (considered the skid steer loader 10), a tool carrier assembly (considered the plow blade frame), a means for attaching the earthworking tool to the tool carrier assembly, and a means of pivotally attaching the tool carrier assembly to the motive source such that the tool (scraper blade 100) can pivot about a somewhat vertical axis (figure 5) and about a somewhat horizontal axis by way of a lift arm assembly 60. Given the structure of High, the claimed method steps would inherently performed while plowing with the plow blade disclosed by High. Concerning the limitations regarding depth guides, Hotte discloses the use of depth guides (considered the skids not numbered but shown in figure 2). It is noted that a skid steer loader is inherently capable of turning with a zero turning radius.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Batson whose telephone number is (703) 305-6356. The examiner can normally be reached on Monday through Friday (except Wednesday).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on (703) 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 14, 2005



Victor Batson
Primary Examiner
Art Unit 3671